

OCT. -30' 03 (THU) 15:18

RECEIVED
CENTRAL FAX CENTER

TEL: 9198622260

P. 001

OCT 30 2003

OFFICIAL

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062

919-862-2200
Fax: 919-862-2260

TELECOPY PLEASE DELIVER AS SOON AS POSSIBLE

DATE: October 30, 2003

TO: USPTO, ATTN.: EXAMINER PHUONG T. BUI

FROM: W. Murray Spruill

In re: Zheng *et al.*

Appl. No. 10/024,806

Filed: 12-19-01

For: OAR POLYNUCLEOTIDES, POLYPEPTIDES AND THEIR USE IN PHA
PRODUCTION IN PLANTS

Confirmation No. 6104

Group Art Unit: 1638

Examiner: Phuong T. Bui

Attached is a response to the Restriction Requirement mailed September 30, 2003.

NO. OF PAGES: 3
(Including cover page)

OPERATOR: *182* / *31* / 97672

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT (919) 862-2304.

USER CODE: SPRUM

FAX NUMBER: (703) 872-9306

CLIENT/MATTER: 035718/241887

REQUESTED BY: Marilyn Munoz

VOICE NUMBER: (703) 305-1996

OCT. -30' 03 (THU) 15:18

RECEIVED
CENTRAL FAX CENTER

OCT 30 2003

TEL: 9198622260

P. 002

OFFICIAL

Attorney's Docket No. 035718/241887 (5718-128)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Zheng <i>et al.</i>	Confirmation No.:	6104
Appl No.:	10/024,806	Group Art Unit:	1638
Filed:	December 19, 2001	Examiner:	Phuong T. Bui
For:	OAR POLYNUCLEOTIDES, POLYPEPTIDES AND THEIR USE IN PHA PRODUCTION IN PLANTS		

October 30, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 30, 2003, in which the Examiner has required restriction between: Group I, namely Claims 1-3 and 5-11; Group II, namely Claims 1-11; Group III, namely Claims 12-15; Group IV, namely Claims 16-20; Group V, namely Claim 21; and Group VI, namely Claim 22. In addition, if Applicants elect Group I, Group II, or Group VI, the Examiner has required Applicants to elect also one of inventions (A)-(L). If Applicants elect Group III, the Examiner has required Applicants to elect also one of inventions (i)-(viii). If Applicants elect Group IV or Group V, the Examiner has required Applicants to elect also one of inventions (A)-(L) and one of inventions (1) to (8).

Applicants hereby elect without traverse to prosecute the claims of Group I (Claims 1-3 and 5-11) and invention (C), namely SEQ ID NO: 1 or a sequence encoding SEQ ID NO: 2. Applicants expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the non-elected subject matter.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this

OCT. -30' 03 (THU) 15:19


TEL: 9198622260

P. 003

In re: Zheng *et al.*
Appl No.: 10/024,806
Filed: December 19, 2001
Page 2

paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

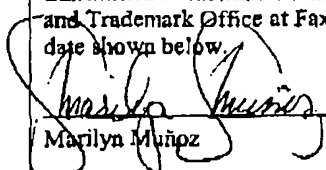

45,944 for

W. Murray Spruill
Registration No. 32,943

CUSTOMER NO. 29122
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner Phuong T. Bui, at the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.


Marilyn Muñoz

10-30-03

Date